

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: SEARCH WARRANT
NOS. _____

NO. 1:08-MC-047

[SEARCH WARRANTS DIRECTED TO
SERVICE PROVIDERS FOR EMAILS
OR OTHER DOCUMENTS PERTAINING
TO ACCOUNTS HELD OR MAINTAINED:
BY STEVEN WARSHAK AND/OR TCI
MEDIA, INC.]

OPINION AND ORDER

This matter is before the Court on the Report and Recommendation of the Magistrate Judge (doc. 8), to which no objection was filed.

The Magistrate Judge reviewed the pending Motion to Unseal Warrants, Provide Notification of Warrants, and for Return of Property (doc. 1), and determined that movants have raised the identical issues in their appeal of their criminal convictions in United States v. Warshak, et al., No. 06-CR-00111 (doc. 8). As such, the Magistrate Judge concluded the merits of movants' motion are not properly before this Court, which is divested of jurisdiction pending the appeal (Id. citing United States v. Holloway, 740 F.2d 1373, 1382 (6th Cir. 1984)). The Magistrate Judge therefore recommended that movants' motion be denied and this case be closed (Id.).

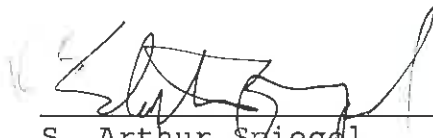
Having reviewed this matter, and noting no objection was filed, the Court finds the Magistrate Judge's conclusions well-

taken. Accordingly, the Court ADOPTS and AFFIRMS the Report and Recommendation (doc. 8), and DENIES Steven Warshak and TCI Media's Motion to Unseal Warrants, Provide Notification of Warrants, and for Return of Property (doc. 1). The Court DIRECTS the clerk to close this matter on the Court's docket.

SO ORDERED.

Dated:

4/29/19



S. Arthur Spiegel

United States Senior District Judge